



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
HB0115

Introduced 1/6/2005, by Rep. Sara Feigenholtz

SYNOPSIS AS INTRODUCED:

10 ILCS 5/19-7	from Ch. 46, par. 19-7
10 ILCS 5/19-8	from Ch. 46, par. 19-8
10 ILCS 5/20-7	from Ch. 46, par. 20-7
10 ILCS 5/20-8	from Ch. 46, par. 20-8

Amends the Election Code. Requires that absentee ballots received by election authorities through the 10th day after an election be counted if the ballots are postmarked before the date of the election. Requires that the State Board of Elections adopt rules for the provision of election judges for the counting of those ballots.

LRB094 04147 JAM 34168 b

1 AN ACT concerning elections.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Election Code is amended by changing
5 Sections 19-7, 19-8, 20-7, and 20-8 as follows:

6 (10 ILCS 5/19-7) (from Ch. 46, par. 19-7)

7 Sec. 19-7. Receipt of ballots by election authority.
8 Except as provided in Section 19-8 for absent voters' ballots
9 counted after election day, upon ~~Upon~~ receipt of such absent
10 voter's ballot, the election authority shall forthwith enclose
11 the same unopened, together with the application made by said
12 absent voter in a large or carrier envelope which shall be
13 securely sealed and endorsed with the name and official title
14 of such officer and the words, "This envelope contains an
15 absent voter's ballot and must be opened on election day,"
16 together with the number and description of the precinct in
17 which said ballot is to be voted, and such officer shall
18 thereafter safely keep the same in his office until counted by
19 him as provided in the next section.

20 (Source: P.A. 81-155.)

21 (10 ILCS 5/19-8) (from Ch. 46, par. 19-8)

22 Sec. 19-8. Delivery of absent voters' ballots to precinct
23 polling places; handling of ballots received after delivery
24 deadline.

25 (a) In case an absent voter's ballot is received by the
26 election authority prior to the delivery of the official
27 ballots to the judges of election of the precinct in which said
28 elector resides, such ballot envelope and application, sealed
29 in the carrier envelope, shall be enclosed in such package and
30 therewith delivered to the judges of such precinct. Except as
31 provided in subsection (b), in ~~in~~ case the official ballots for

1 such precinct have been delivered to the judges of election at
2 the time of the receipt by the election authority of such
3 absent voter's ballot, such authority shall immediately
4 enclose said envelope containing the absent voter's ballot,
5 together with his application therefor, in a larger or carrier
6 envelope which shall be securely sealed and addressed on the
7 face to the judges of election, giving the name or number of
8 precinct, street and number of polling place, city or town in
9 which such absent voter is a qualified elector, and the words
10 "This envelope contains an absent voter's ballot and must be
11 opened only on election day at the polls immediately after the
12 polls are closed," mailing the same, postage prepaid, to such
13 judges of election, or if more convenient, such officer may
14 deliver such absent voter's ballot to the judges of election in
15 person or by duly deputized agent, said officer to secure his
16 receipt for delivery of such ballot or ballots.

17 (b) Absent voters' ballots returned by absentee voters in
18 person or by licensed delivery service as authorized in this
19 Article to the election authority after the closing of the
20 polls on an election day or by mail postmarked on or after the
21 election day shall be endorsed by the election authority
22 receiving the same with the day and hour of receipt and shall
23 be safely kept unopened by such election authority for the
24 period of time required for the preservation of ballots used at
25 such election, and shall then, without being opened, be
26 destroyed in like manner as the used ballots of such election.

27 All absent voters' ballots received by the election
28 authority after 12:00 noon on election day or too late for
29 delivery to the proper polling place before the closing of the
30 polls on election day, and Special Write-In Absentee Voter's
31 Blank Ballots, except ballots returned by mail postmarked after
32 midnight preceding the opening of the polls on election day,
33 shall be endorsed by the election authority receiving the same
34 with the day and hour of receipt and shall be counted in the
35 office of the election authority on the day of the election
36 after 7:00 p.m. All absent voters' ballots delivered in error

1 to the wrong precinct polling place shall be returned to the
2 election authority and counted under this subsection
3 ~~provision~~; however, all absentee ballots received by the
4 election authority by the close of absentee voting in the
5 office of the election authority on the day preceding the day
6 of election shall be delivered to the proper precinct polling
7 places in time to be counted by the judges of election.

8 Such counting shall commence no later than 8:00 p.m. and
9 shall be conducted by a panel or panels of election judges
10 appointed in the manner provided by law. Such counting shall
11 continue until all absent voters' ballots received as aforesaid
12 have been counted.

13 Absent voters' ballots returned by mail postmarked before
14 the election day and received by the election authority after
15 the counting of ballots on election day as provided in this
16 subsection but before the 11th day following the election day
17 shall be endorsed and date and time stamped by the election
18 authority and counted in the office of the election authority
19 by a panel or panels of election judges provided for by rules
20 adopted by the State Board of Elections.

21 The procedures set forth in Section 19-9 of this Act and
22 Articles 17 and 18 of this Code, shall apply to all absent
23 voters' ballots counted under this subsection ~~provision~~,
24 including comparing the signature on the ballot envelope with
25 the signature of the voter on the permanent voter registration
26 record card taken from the master file; except that votes shall
27 be recorded without regard to precinct designation, except for
28 precinct offices.

29 (Source: P.A. 91-357, eff. 7-29-99.)

30 (10 ILCS 5/20-7) (from Ch. 46, par. 20-7)

31 Sec. 20-7. Receipt of ballots by election authority. Except
32 as provided in Section 20-8 for absent voters' ballots counted
33 after election day upon ~~Upon~~ receipt of such absent voter's
34 ballot, the officer or officers above described shall forthwith
35 enclose the same unopened, together with the application made

1 by said absent voter in a large or carrier envelope which shall
2 be securely sealed and endorsed with the name and official
3 title of such officer and the words, "This envelope contains an
4 absent voter's ballot and must be opened on election day,"
5 together with the number and description of the precinct in
6 which said ballot is to be voted, and such officer shall
7 thereafter safely keep the same in his office until counted by
8 him as provided in the next section.

9 (Source: P.A. 81-155.)

10 (10 ILCS 5/20-8) (from Ch. 46, par. 20-8)

11 Sec. 20-8. Delivery of absent voters' ballots to precinct
12 polling place; handling of ballots received after delivery
13 deadline.

14 (a) In case any such ballot is received by the election
15 authority prior to the delivery of the official ballots to the
16 judges of election of the precinct in which said elector
17 resides, such ballot envelope and application, sealed in the
18 carrier envelope, shall be enclosed in the same package with
19 the other official ballots and therewith delivered to the
20 judges of such precinct. Except as provided in subsection (b),
21 in ~~in~~ case the official ballots for such precinct have been
22 delivered to the judges of election at the time of the receipt
23 by the election authority of such absent voter's ballot, it
24 shall immediately enclose said envelope containing the absent
25 voter's ballot, together with his application therefor, in a
26 larger or carrier envelope which shall be securely sealed and
27 addressed on the face to the judges of election, giving the
28 name or number of precinct, street and number of polling place,
29 city or town in which such absent voter is a qualified elector,
30 and the words, "This envelope contains an absent voter's ballot
31 and must be opened only on election day at the polls
32 immediately after the polls are closed," mailing the same,
33 postage prepaid, to such judges of election, or if more
34 convenient he or it may deliver such absent voter's ballot to
35 the judges of election in person or by duly deputized agent and

1 secure his receipt for delivery of such ballot or ballots.

2 (b) Absent voter's ballots postmarked after 11:59 p.m. of
3 the day immediately preceding the election returned to the
4 election authority ~~too late to be delivered to the proper~~
5 ~~polling place before the closing of the polls on the day of~~
6 ~~election~~ shall be endorsed by the person receiving the same
7 with the day and hour of receipt and shall be safely kept
8 unopened by the election authority for the period of time
9 required for the preservation of ballots used at such election,
10 and shall then, without being opened, be destroyed in like
11 manner as the used ballots of such election.

12 All absent voters' ballots received by the election
13 authority after 12:00 noon on election day or too late for
14 delivery to the proper polling place before the closing of the
15 polls on election day, except ballots returned by mail
16 postmarked after midnight preceding the opening of the polls on
17 election day, shall be counted in the office of the election
18 authority on the day of the election after 7:00 p.m. All absent
19 voters' ballots delivered in error to the wrong precinct
20 polling place shall be returned to the election authority and
21 counted under this subsection ~~provision~~.

22 Such counting shall commence no later than 8:00 p.m. and
23 shall be conducted by a panel or panels of election judges
24 appointed in the manner provided by law. Such counting shall
25 continue until all absent voters' ballots received as aforesaid
26 have been counted.

27 Absent voters' ballots returned by mail postmarked before
28 the election day and received by the election authority after
29 the counting of ballots on election day as provided in this
30 subsection but before the 11th day following the election day
31 shall be endorsed and date and time stamped by the election
32 authority and counted in the office of the election authority
33 by a panel or panels of election judges provided for by rules
34 adopted by the State Board of Elections.

35 The procedures set forth in Section 19-9 of this Act and
36 Articles 17 and 18 of this Code, shall apply to all absent

1 voters' ballots counted under this subsection ~~provision~~;
2 except that votes shall be recorded without regard to precinct
3 designation.

4 Where certain absent voters' ballots are counted in the
5 office of the election authority as provided in this Section,
6 each political party, candidate and qualified civic
7 organization shall be entitled to have present one pollwatcher
8 for each panel of election judges therein assigned.

9 (Source: P.A. 84-861.)